

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

GUNTHER *et al.*

Patent. No.: 7,807,851

Issued: October 5, 2010

For: **Method for Producing a-
Fluoromalonic Acid Dialkyl Esters**

Confirmation No.: 2719

Art Unit: 1625

Examiner: Oh, Taylor V.

Atty. Docket: 2400.0200000/JMC/AFK

**Request for Reconsideration of Patent Term Adjustment
Determination Under 37 C.F.R. §1.705(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Mail Stop Patent Ext.

Sir:

Pursuant to 37 C.F.R. §1.705(d), patentee submits this Request for Reconsideration of Patent Term Adjustment in the captioned patent. Pursuant to 37 C.F.R. §1.705(b), patentee provides a concise statement of facts involved and a payment of the fee set forth in 37 C.F.R. §1.18(e).

Timeliness of request:

Applicants regard this Request for Reconsideration of Patent Term Adjustment to be timely. The issues raised herein could not have been raised during the time period allotted by 37 C.F.R. §1.705(b). More specifically, patentees herein request adjustment of patent term under 37 C.F.R. §1.703(b), due to examination delay starting on the day after the date that is three years after the date on which the national stage commenced under 35 U.S.C. §371 and ending on the date the patent was issued. Because the actual issuance date was unknown at the time the issue fee was paid, the issues raised herein could not have been raised during the time period allotted in 37 C.F.R. §1.705(b).

Statement of the facts, in accordance with 37 C.F.R. §1.705(b)(2):

- (i) Correct patent term: **730 days**;
- (ii) Relevant dates as specified in §§1.703(a)-(e):
§1.703(a)

October 17, 2007 - day after the date that is 14 months after the date on which the application fulfilled the requirements of 35 U.S.C. §371.

July 24, 2008 - date of mailing of an action under 35 U.S.C. §132.
282 days - adjustment to which the patent is entitled.

§1.703(b)

February 15, 2009 - day after the date that is three years after the date of commencement of the U.S. national stage under 35 U.S.C. §371.

October 5, 2010 - day the patent issued.

598 days - adjustment to which the patent is entitled.

- (iii) The patent is not subject to a terminal disclaimer.
- (iv) Applicant's delay: **150 days**.

Conclusion

Pursuant to 37 C.F.R. §§1.705(b) and 1.705(d), patentee hereby requests that the patent term adjustment for the captioned patent be corrected to allow an additional 7 days to the current patent term adjustment of 723 days, such that the total patent term adjustment is 730 days.

Further to 37 C.F.R. §1.705(b)(1), the fee set forth in 37 C.F.R. §1.18(e) is provided in our accompanying Online Credit Card Payment Authorization. It is not believed that additional fees are required beyond those that may otherwise be provided in documents accompanying this paper. However, if additional fees are required, the USPTO is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

If it is believed, for any reason, that personal communication will expedite consideration of this request, please do not hesitate to telephone the undersigned at the number provided. Prompt and favorable consideration of this request is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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